

## COMMISSION MEETING MINUTES

MARCH 20, 2014

A MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, TENNESSEE was held in the Commission Chambers of the Municipal and Safety Building, 601 East Main Street, Johnson City, Tennessee on Thursday, March 20, 2014.

PRESENT: Mayor Ralph Van Brocklin, Vice-Mayor Clayton Stout, Commissioners Jeff Banyas, Jenny Brock and David Tomita, Pete Peterson, City Manager, and Leia Valley, Finance Supervisor, for Janet Jennings, City Recorder.

Mayor Ralph Van Brocklin called the meeting to order at 6:04 p.m.

At this time, Eric Hogstrom, Director, ETSU Baptist Collegiate Ministry, gave the invocation, which was followed by the pledge of allegiance.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the minutes of the regularly scheduled City Commission Meeting held on Thursday, March 6, 2014, be and the same are hereby approved.

At this time, Mayor Ralph Van Brocklin presented a proclamation recognizing Boys and Girls Club Week. Josh Gibbons, Chief Volunteer Officer, Robin Crumley, Chief Professional Officer, and members of the Boys & Girls Club of Johnson City/Washington County were present to accept.

**Whereas** the young people of Johnson City are tomorrow's leaders, and many of them need professional services to help them reach their full potential; and

**Whereas** the Boys & Girls Club of Johnson City/Washington County provides services to more than 1,228 young people, their families and the community annually; and

**Whereas** Boys & Girls Clubs help to keep youth off the streets, offering them a safe and supportive place to go, where they can receive guidance in achieving academic success, healthy lifestyles and good citizenship; and

**Whereas** our local Boys & Girls Club will join approximately 4,000 clubs and 4 million children and teens nationwide in celebrating Boys & Girls Club Week; and

**Now, Therefore Be It Resolved, I,** Ralph J. Van Brocklin, mayor of the City of Johnson City, Tennessee, in conjunction with the national observance, do hereby proclaim the week of March 23-29

### ***Boys & Girls Club Week***

in Johnson City, Tennessee, and ask all citizens to join me in recognizing and commending the Boys & Girls Club of Johnson City/Washington County for providing comprehensive, effective services to our community's youth.

***In Witness Whereof,*** I have hereunto set my hand and caused the Official Seal of the City of Johnson City, Tennessee, to be affixed this 20th day of March, 2014.

/s/ Ralph J. Van Brocklin

Ralph J. Van Brocklin, Mayor

At this time, Mayor Ralph Van Brocklin presented a proclamation recognizing Mayors Day of Recognition for National Service. Janet Lick was present to accept.

- Whereas** service to others is a hallmark of the American character, and mayors across the country are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and
- Whereas** national service participants, serving in more than 60,000 locations across the country, address the most pressing challenges facing our cities, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and
- Whereas** national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and
- Whereas** the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, City of Service, and mayors across the country to recognize the impact of service.

**Now, Therefore, I,** Ralph J. Van Brocklin, Mayor of the City of Johnson City do hereby proclaim April 1, 2014

### ***Mayors Day of Recognition for National Service***

in Johnson City, Tennessee, and encourage residents to recognize the positive impact of national service in our city; to thank those who serve; and to find ways to give back to their communities.

***In Witness Whereof,*** I have hereunto set my hand and caused the Official Seal of the City of Johnson City, Tennessee, to be affixed this 20<sup>th</sup> day of March, 2014.

/s/ Ralph J. Van Brocklin

Ralph J. Van Brocklin, Mayor

At this time, Glenn Berry, MTPO Coordinator, provided an update on major transportation projects and future issues facing transportation in the region. Mayor Ralph Van Brocklin asked Mr. Berry to provide the original plan for the I-26 Downtown Interchange for review.

At this time, Jeff Rawles, MTPO Metro Transport Transportation Project Manager, made a presentation on the benefits and conveniences of the new Real Time Passenger Information System for Johnson City Transit.

At this time, Mayor Ralph Van Brocklin opened the public input session. No one spoke.

## COMMISSION MEETING MINUTES

MARCH 20, 2014

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Certificate of Compliance for Howell Sherrod, Jr., Creekside Package Store, Inc., d/b/a Parkway Discount Wine and Liquor, 1901 South Roan Street, be and the same is hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by four ayes. Vice-Mayor Clayton Stout voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That **deferral** of the consideration of a beer license for Taamir Corporation, d/b/a Discount Grocer & Tobacco, 601 West Watauga Avenue, Johnson City, Tennessee, be and the same is hereby approved. was present. The applicant was not present.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Special Occasion Beer License for Trout Unlimited, Overmountain Chapter, for the Millennium Center Thirsty Orange Event, be and the same is hereby approved. Stephanie Carson and Ron Harrington were present.

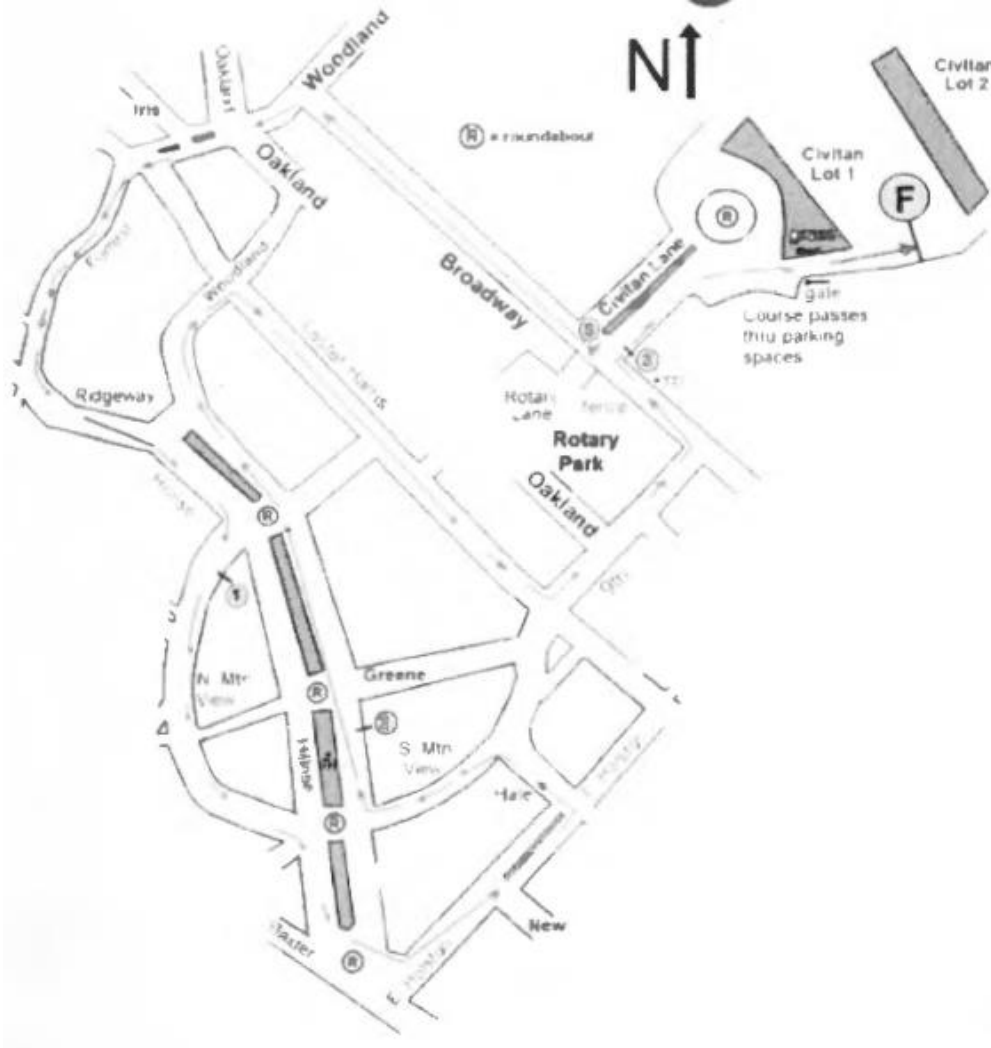
At this time, the appointment of Tony Street to the Johnson City Historic Zoning Commission was made by roll call as follows: Mayor Ralph Van Brocklin voted for Michael Herrig. Commissioner David Tomita voted for Shannon Castillo. Vice-Mayor Clayton Stout and Commissioners Jeff Banyas and Jenny Brock voted for Tony Street.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a partial street closing on Carroll Creek Road and the Bristol Highway for a Triathlon on Saturday, June 7, 2014, from 8:00 a.m. until 12:00 p.m., as requested by Janine Pleasant, be and the same is hereby approved. Janine Pleasant was present.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a partial street closing of various streets and closure of Broadway Street from Eighth (8<sup>th</sup>) Avenue to Woodland Avenue for the 5K Amazing Challenge Run/Walk on Saturday, April 5, 2014, from 9:00 a.m. until 10:00 a.m., as requested by Emily Reece, Alpha Xi Delta, be and the same is hereby approved. Emily Reece was present.



Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by four ayes. Vice-Mayor Clayton Stout voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Consent Agenda for March 20, 2014 with General Item A.3, Consider proposal of new traffic signal at the intersection of State of Franklin Road with West Harris Drive and John Robert Bell Drive, and Item C.3, the Award of Bid ITB #5786, The Johnson City Public Library Brick Repairs, to Williams Restoration and Waterproofing, Inc., being pulled, be and the same is hereby approved. The City Commission instructed staff to request Waste Management to ask for applications during the next selection process for Item A.2, Distribution of Iris Glen proceeds to Charitable Construction Recipients.

**CONSENT AGENDA:**

**A. GENERAL:**

**i. Public Works Department**

Consider Counter Offer on Tract 8 for the VA Access Road Project in the amount of \$450,000.00

**ii. Public Works Department**

Consider distribution of Iris Glen proceeds to Charitable Construction Recipients

**iii. Public Works Department**

Consider proposal of new traffic signal at the intersection of State of Franklin Road with Harris Drive West and John Robert Bell Drive

**iv. Public Works Department**

Consider an Agreement of Sale on the Kelly Foods Property in the amount of \$417,200.00

**v. Public Works Department**

Consider estimate in the amount of \$126,800.00 from Beeson, Lusk & Street Architects for the wall repair at 202 West Main Street

**vi. Transit**

Consider approval for signing of TDOT contract amendment for state and federal Job Access ( Section 5316) assistance to extend contract to June 30, 2015

vii. **Purchasing**

Consider Surplus Request:

Audio Video Equipment ~ 134 Items (Johnson City Schools)

Two Vehicles (Public Works ~ Street Division)

viii. **Police**

Consider CARFAX Police Crash Assistance Program

ix. **Police**

Approval for the Application of the Tennessee Governor's Highway Safety Office Grant

x. **Police**

Memorandum of Understanding between Frontier Health and the City of Johnson City for the Targeted Community Crime Reduction Project for the 2<sup>nd</sup> year of grant program

xi. **Police**

Memorandum of Understanding between Johnson City Housing Authority and the City of Johnson City for the Targeted Community Crime Reduction Project for the 2<sup>nd</sup> year of grant program

xii. **Police**

Memorandum of Understanding between Johnson City Schools and the City of Johnson City for the Targeted Community Crime Reduction Project for the 2<sup>nd</sup> year of grant program

xiii. **Police**

Memorandum of Understanding between Ink Revolution and the City of Johnson City for the Targeted Community Crime Reduction Project for the 2<sup>nd</sup> year of grant program

xiv. **Police**

Memorandum of Understanding between East Tennessee State University and the City of Johnson City for the Targeted Community Crime Reduction

Project for the 2<sup>nd</sup> year of grant program

xv. **Police**

Memorandum of Understanding between First Tennessee Human Resource Agency and the City of Johnson City for the Targeted Community Crime Reduction Project for the 2<sup>nd</sup> year of grant program

xvi. **Police**

Memorandum of Understanding between Tennessee Department of Corrections and the City of Johnson City for the Targeted Community Crime Reduction Project for the 2<sup>nd</sup> year of grant program

xvii. **Parks & Recreation ~ Senior Services Division**

Review and Approval of FTDD Area Agency on Aging and Disability annual project award application for the City of Johnson City ~ Senior Services

xviii. **Administration**

Consider Change Order #4 for Armstrong Construction Company on the Johnson City Juvenile Court Additions/Alterations Project

B. **INVOICES:**

- i. Armstrong Construction Company . . . . . \$119,937.05

Administration ~ **FINAL PAYMENT**

Johnson City Juvenile Court Additions/Alterations

Funding Source: Bond Funded

- ii. Thomas Weems Architects . . . . . \$30.60

Administration

Johnson City Juvenile Court Additions/Alterations

Funding Source: Bond Funded



- iii. Thomas Weems Architects . . . . . \$19,722.90  
Public Works Department  
Johnson City Farmers Market  
Funding Source: Capital Projects – General Fund Transfer
- iv. Summers-Taylor . . . . . \$85,008.47  
Public Works Department  
Broadway Street Drainage Project  
Funding Source: Storm Water Fund Budget
- v. Gresham, Smith & Partners . . . . . \$29,991.81  
Public Works Department  
Construction Engineering & Inspection on ITS Project  
Funding Source: 80% Federal~10% State~10% Bond Funds
- vi. Volkert, Inc. . . . . \$3,284.72  
Public Works Department  
Browns Mill Road with Mountainview Road Project  
Funding Source: 100% Federal Funding
- vii. Beeson, Lusk & Street . . . . . \$4,250.00  
Johnson City Schools  
SHHS New Field House at Kermit Tipton Stadium  
Funding Source: Capital Project Fund – Reserve Funds
- viii. Mechanical Design Services . . . . . \$520.00  
Johnson City Schools  
Science Hill High School HVAC Upgrade Phase I  
Funding Source: Washington County Bond Funds
- ix. CDM Smith . . . . . \$41,190.73  
Water & Sewer Services  
Brush Creek WWTP & Knob Creek WWTP Improvements  
Funding Source: Water/Sewer Bond

- x. Floyd Storie Roofing Contractors . . . . . \$37,415.00  
 Administration ~ Pay Request #1  
 Re-Roofing of Washington County/JC Emergency Mgmt. Bldg.  
 Funding Source: Stormwater Fund

C. **BIDS:**

- i. Mohawk Armory . . . . . \$0.00  
 Police Department (ITB #5791)  
 Weapon's Trade (City Owned & Confiscated)  
 Funding Source: N/A

TABULATION OF BIDS CITY OF JOHNSON CITY, TENNESSEE MARCH 10, 2014 ITB #5791- WEAPONS TRADE						
	TRADE IN VALUE (147 Weapons)	COST CONSIDERATION 20 ea 45 cal Sig Sauer Pistol	COST CONSIDERATION 30R 45 cal 230 gr. FMJ	COST CONSIDERATION 5k 5.56 cal 5/8 gr. FMJ	NET TRADE CITY OWES OR ADDITIONAL CREDIT	
P. F. Custom Guns	17,496.00	16,560.00	3,675.00	2,100.00	-4,839.00	CITY OWES
SRT Supply	7,500.00	19,280.00	4,400.00	2,300.00	-18,480.00	CITY OWES
Mohawk Armory	27,310.00	17,000.00	3,500.00	1,750.00	5,060.00	ADDTL CREDIT
Ed's Public Safety Inc	22,350.00	20,220.00	4,400.00	X	-2,270.00	CITY OWES
Elmer Arms South	22,500.00	15,500.00	5,000.00	2,000.00	0.00	EVEN TRADE
Gulf States Distributors	29,985.00*	X	2,490.00	1,670.00	N/A	
Accurate Law Enforcement	Purchase offer - not acceptable. 24,250.00	17,500.00	5,000.00	1,750.00	0.00	EVEN TRADE
Clyde Armory	16,391.00	18,576.80	3,390.70	1,594.05	-7,170.55	CITY OWES
Net Response: Moritz's Gun Emporium, Craig's Firearm Supply, Jerry's Sport Center, Personal Protection Group, Polforce Marketing, King's Firearms Recommend acceptance of the above trade-in offer that includes credit towards additional items.						

- ii. Summers-Taylor Inc. . . . . \$44,025.00  
 Public Works Department – Engineering Division (ITB #5787)  
 Princeton Gardens Completion of Asphalt Paving & Concrete Sidewalk  
 Funding Source: \$44,088.00 Collected from Surety Bond

TABULATION OF BIDS  
 CITY OF JOHNSON CITY, TENNESSEE  
 MARCH 5, 2014 / 2:00 PM  
 BID # 5787 PRINCETON GARDENS: COMPLETION OF ASPHALT PAVING AND CONCRETE SIDEWALKS

<u>BIDDER</u>	<u>BID AMOUNT</u>		
<b>VENDOR Summers Taylor</b>			
License Number:	69	Base Bid: \$	<u>44,025.00</u>
Bid Bond:	5%		
Addendums Acknowledged:	X		
<b>VENDOR Duco Construction</b>			
License Number:	42676	Base Bid: \$	82,000.00
Bid Bond:	5%		
Addendums Acknowledged:	X		

RECOMMEND APPROVAL OF LOW BID AS CIRCLED ABOVE.

- iii. Williams Restoration & Waterproofing, Inc. . . . . \$24,500.00  
 Johnson City Public Library (ITB #5786)  
 Brick Repairs  
 Funding Source: Capital Project Fund (Budgeted)

TABULATION OF BIDS  
 CITY OF JOHNSON CITY, TENNESSEE  
 FEBRUARY 27, 2014 / 3:00 PM  
 BID # 5786 Johnson City Public Library Brick Project

BIDDER	BID AMOUNT		SUBCONTRACTORS
VENDOR <u>Holliman Construction</u>			
License Number:	<u>26587</u>	Base Bid: \$ <u>32,560.00</u>	Masonry: <u>Relyt Consturction/65462</u>
Bid Bond:	<u>X</u>	Alt # 1 <u>78,128.00</u>	
Addendums Acknowledged:	<u>yes</u>	Alt #2 <u>27,635.00</u>	
VENDOR <u>J.E. Green</u>			
License Number:	<u>3827</u>	Base Bid: \$ <u>28,500.00</u>	Masonry: <u>J.E. Green</u>
Bid Bond:	<u>X</u>	Alt #1 <u>88,500.00</u>	
Addendums Acknowledged:	<u>yes</u>	Alt #2 <u>26,700.00</u>	
VENDOR <u>Preston Construction</u>			
License Number:	<u>11606</u>	Base Bid: \$ <u>35,000.00</u>	Masonry: <u>Preston Construction</u>
Bid Bond:	<u>X</u>	Alt #1 <u>116,500.00</u>	
Addendums Acknowledged:	<u>yes</u>	Alt #2 <u>13,700.00</u>	
VENDOR <u>Williams Restoration &amp; Waterproofing</u>			
License Number:	<u>27698</u>	Base Bid: \$ <u>13,500.00</u>	Masonry: <u>Williams Restoration</u>
Bid Bond:	<u>X</u>	Alt #1 <u>32,850.00</u>	
Addendums Acknowledged:	<u>yes</u>	Alt #2 <u>11,000.00</u>	
VENDOR <u>Winegar Construction</u>			
License Number:	<u>8802</u>	Base Bid: \$ <u>27,139.00</u>	Masonry: <u>Straightline Masonry/66512</u>
Bid Bond:	<u>X</u>	Alt #1 <u>122,887.00</u>	
Addendums Acknowledged:	<u>yes</u>	Alt #2 <u>38,552.00</u>	

RECOMMEND ACCEPTANCE OF LOW BID, CIRCLED ABOVE. TOTAL : \$ 24,500.

**D. PURCHASES:**

- i. Tri-Tech Software Systems. . . . . \$38,983.83  
 ITDepartment Annual Software Maintenance Renewal  
 Funding Source: Police Technology Fund

Upon motion by Commissioner David Tomita, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That authorization for the Mayor to sign a letter stating the City's commitment to the installation of a traffic signal at the intersection of State of Franklin Road with West Harris Drive and John Robert Bell Drive, contingent on the Performing Arts Center being built on Lot #1 and STP funding being awarded, be and the same is hereby approved.

Upon motion by Mayor Ralph Van Brocklin, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the award of the Johnson City Public Library (ITB #5786) Brick Repairs to Williams Restoration and Waterproofing, Inc., in the amount of \$57,350, to include funding Alternate No. 1, cleaning the entire building, be and the same is hereby approved. Bob Swanay, Director, Johnson City Public Library, and Tony Street, Architect, addressed the City Commission.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, **Ordinance No. 4535-14**, "AN ORDINANCE TO REZONE FROM B-1 (NEIGHBORHOOD BUSINESS), R-2C (LOW DENSITY RESIDENTIAL) AND R-5 (HIGH DENSITY RESIDENTIAL) TO B-4 (PLANNED ARTERIAL BUSINESS) FOR CERTAIN PROPERTIES LOCATED AT 502, 600 AND 606 NORTH BROADWAY STREET," was **passed on first reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Concept Plan for rezoning from B-4 (Planned Arterial Business) and RP-3 (Planned Residential) to R-5 (High Density Residential) certain properties located at 6385 Bristol Highway and 365 North Pickens Bridge Road, be and the same is hereby approved.

At this time, a public hearing was held regarding Ordinance No. 4530-14. No one spoke for or against this item. Shane Abraham, Partner to Mitch Cox, Developer, addressed the City Commission.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, **Ordinance No. 4530-14**, "AN ORDINANCE TO REZONE FROM B-4 (PLANNED ARTERIAL BUSINESS) AND RP-3 (PLANNED RESIDENTIAL) TO R-5 (HIGH DENSITY RESIDENTIAL) PROPERTIES LOCATED AT 6385 BRISTOL HIGHWAY AND 365 NORTH PICKENS BRIDGE ROAD," was **passed on second reading**. The motion **carried** by five ayes. There were no nay votes.

At this time, a public hearing was held regarding Ordinance No. 4531-14. No one spoke for or against this item.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, **Ordinance No. 4531-14**, "AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF JOHNSON CITY, TO REFLECT THE PLACEMENT OF THE CORRIDOR OVERLAY (CO) DISTRICT ALONG THE NORTH ROAN STREET/HIGHWAY 36 CORRIDOR," was ***passed on second reading***. The motion ***carried*** by five ayes. There were no nay votes.

At this time, a public hearing was held regarding Ordinance No. 4532-14. No one spoke for or against this item.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, **Ordinance No. 4532-14**, "AN ORDINANCE TO AMEND ARTICLE VIII, FLOODPLAIN REGULATIONS OF THE ZONING ORDINANCE OF JOHNSON CITY, TENNESSEE," was ***passed on second reading***. The motion ***carried*** by five ayes. There were no nay votes.

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor Clayton Stout, **Ordinance No. 4533-14**, "AN ORDINANCE AUTHORIZING CONVEYANCE OF 102 WEST MYRTLE AVENUE TO ASBURY, INC., IN THE AMOUNT OF 71,001.00," was ***passed on second reading***. The motion ***carried*** by five ayes. There were no nay votes.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, **Ordinance No. 4529-14**, "AN ORDINANCE TO AMEND SECTION 11-124 OF CODE: AIR GUNS/SLINGSHOTS," was ***passed on third reading***. The motion ***carried*** by five ayes. There were no nay votes.

**ORDINANCE NO. 4529-14**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF JOHNSON CITY, TENNESSEE BY DELETING THE PRESENT SECTION 11-124 OF SAID CODE IN ITS ENTIRETY AND SUBSTITUTING A NEW SECTION 11-124 IN LIEU THEREOF AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.**

BE IT ORDAINED BY THE CITY OF JOHNSON CITY as follows:

**SECTION I.** That Section 11-124 which reads as follows:

"11-124. Air guns, slingshots, etc. No person shall sell, keep in stock, offer for sale, give away, carry or discharge, within the city, an air gun or other similar implement for throwing small projectiles"

is deleted in its entirety and a new Section 11-124 is substituted to read as follows:

**Section 11-124. Air Guns/Slingshots.**

**DEFINITIONS.**

*Air Gun/Slingshot* means any gun, rifle, or pistol, by whatever name known, which is designed to expel a paintball, dart, missile, projectile, pellet, or BB shot by the action of compressed air or gas, or by the action of a spring or elastic, and includes a sling shot, wrist rocket, and similar devices used to throw BB shot, rocks, and other projectiles, but does not include any firearm.

*Dealer* means any person engaged in the business of selling or renting air guns/slingshots.

**RESTRICTIONS ON SALE, RENTAL, GIFT, OR OTHER TRANSFER.**

(a) It is unlawful for any dealer to sell, lend, rent, give, or otherwise transfer an air gun/slingshot to any person under the age of 18 years. It is unlawful for any dealer to sell, lend, rent, give, or otherwise transfer an air gun/slingshot to any person without first obtaining photographic identification showing that person's date of birth.

(b) It is unlawful for any person to sell, lend, rent, give, or otherwise transfer an air gun/slingshot to any person under 18 years of age, except when the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between such person and the person under 18 years of age.

**RESTRICTIONS ON USE.**

(a) It is unlawful for any person under 18 years of age to carry any air gun/slingshot on any streets, alleys, public roads, or public lands unless accompanied by an adult; provided, that said person under 18 years of age not so accompanied may carry such air gun/slingshot unloaded or in a suitable case or securely wrapped.

(b) It is unlawful for any person to discharge any air gun/slingshot from, across, onto, or into any street, sidewalk, alley, public land, or any public place except on a properly constructed target range.

(c) It is unlawful for any person to discharge any air gun/slingshot on any private parcel of land or residence in such a manner that the pellet, paintball, dart, slingshot, BB shot, rock, missile, or other projectile may reasonably be expected to traverse any ground or space outside the limits of such parcel of land or residence or in such a manner that persons or property may be endangered.

(d) It is unlawful for any person to discharge any air gun/slingshot in such a manner or under such circumstances that persons or property may be endangered.

**EXCEPTION.**

Notwithstanding any provision herein to the contrary, it shall be lawful for any person under 18 years of age to have in such person's possession any air gun/slingshot if it is:

(a) Kept within such person's domicile;

(b) Used by a person under 18 years of age, who is a duly enrolled member of any club, team, or society organized for education or training purposes and maintaining as a part of its facilities or having written permission to use an indoor or outdoor target range, when the air gun/slingshot is used at such target range under the supervision, guidance, and instruction of a responsible adult; or

(c) Used in or on any private parcel of land or residence under circumstances in which the air gun/slingshots can be fired, discharged or operated in such manner as not to endanger persons or property and in such manner as to prevent the pellet, paintball, dart, BB shot, rock, missile, or other projectile from traversing any grounds or space outside the limits of such parcel of land or residence.

**VIOLATION.**

Anyone violating any provision of this ordinance shall be subject to the general penalty provisions of Section 1-104 of the Code of the City of Johnson City, Tennessee.

**SECTION II.** BE IT FURTHER ORDAINED that all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION III.** BE IT FURTHER ORDAINED that this ordinance shall take effect from and after its passage on third and final reading and publication as required by law, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING  
ON THE FIRST READING 2/20/2014  
PASSED IN OPEN, PUBLIC MEETING  
ON THE SECOND READING 3/06/2014  
PASSED IN OPEN, PUBLIC MEETING  
ON THE THIRD READING 3/20/2014  
APPROVED AND SIGNED IN OPEN  
MEETING ON THE 20<sup>th</sup> DAY OF  
March, 2014  
FOLLOWING PASSAGE ON THIRD  
READING

/s/ Ralph Van Brocklin  
MAYOR

**ATTEST:**

/s/ Janet Jennings  
CITY RECORDER

**APPROVED AS TO FORM:**

/s/ James H. Epps  
STAFF ATTORNEY

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a Special Warranty Deed from ATMOS Energy to the City of Johnson City, be and the same is hereby approved. Phil Pindzola, Public Works Director, addressed the City Commission.

At this time, City Manager Pete Peterson presented the City Manager's Report.



There being no further business or discussion, Mayor Ralph Van Brocklin adjourned the meeting at 9:24 p.m.

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RALPH VAN BROCKLIN  
MAYOR

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JANET JENNINGS  
CITY RECORDER

**ITEMS DEFERRED:**

1. Consideration of a beer license for Taamir Corporation, d/b/a Discount Grocer & Tobacco, 601 West Watauga Avenue, Johnson City, Tennessee.

**ACTION ITEMS:**

1. Mayor Ralph Van Brocklin asked Mr. Berry to provide the original plan for the I-26 Downtown Interchange for review.
2. The City Commission instructed staff to request Waste Management to ask for applications during the next selection process for Item A.2, distribution of Iris Glen proceeds to Charitable Construction Recipients.